


Defendants shall provide a status update as to mailing of the check by July 30, 2021.

SO ORDERED.
Date: July 29, 2021
New York, New York


JOHN P. CRONAN
United States District Judge

GEORGIA M. PESTANA
Acting Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
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July 28, 2021

Via ECF

Honorable John P. Cronan
United States District Court
500 Pearl St.
New York, NY 10007

Re: *Fonseca v. City of New York, et al.*, 20-CV-1014 (JPC)

Dear Judge Cronan:

I am the Assistant Corporation Counsel assigned to the defense of the Defendants in above-referenced action, and I write in response to Plaintiffs' counsel's letter regarding payment of the settlement.

Today the Office of the Comptroller submitted the payment for expedited processing, and I will update Plaintiffs and the Court by Friday, July 30, 2021 at the latest—and I hope earlier—regarding whether the check has been mailed. I am hopeful that the check will be mailed tomorrow.

I sincerely apologize to Plaintiffs and the Court for the delay, which was due to human error and exacerbated by the vacation schedules of a couple of individuals.

Plaintiffs have cited no authority that supports their request in sanctions, which are, Defendants submit, not warranted. *See, e.g., Schlaifer Nance & Co. v. Estate of Warhol*, 194 F.3d 323, 336 (2d Cir. 1999) ("In order to impose sanctions pursuant to its inherent power, a district court must find that: (1) the challenged claim was without a colorable basis and (2) the claim was brought in bad faith, i.e., motivated by improper purposes such as harassment or delay"). Again, Defendants apologize for the human error that caused the delay, but the City's actions were not due to bad faith or motivated by delay.

Respectfully,

/s/

Sharon Sprayregen
Assistant Corporation Counsel

cc: Gregory Antollino, Esq.
(via ECF)